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| 09/965,007  | 09/27/2001  | Michael Wayne Brown  | AUS920000715US1     | 2738             |
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|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2142                |                  |

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/965,007

Applicant(s)

BROWN ET AL.

Examiner

Andrea Hollar

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☒ Claim(s) 11,30 and 49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/02, 4/03, 6/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 612, 614, 616, 620, 806, and 908. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The disclosure is objected to because of the following informalities: the reference number 400 on page 17, lines 12, 18, and 25 is not found in the drawings.

Appropriate correction is required.

The disclosure is objected to because of the following informalities: the reference number 703 on page 21, line 21 is not found in the drawings.

Appropriate correction is required.

The disclosure is objected to because of the following informalities: the reference number 764 refers to "the wireless device" on page 22, line 7 and "contact information" on page 22, line 9. A reference number may only refer to one item.

Appropriate correction is required.

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***Claim Objections***

Claims 11, 30, and 49 are objected to because of the following informalities: the phrase "the current location within the proximity" is assumed to be a typographical error. Examiner will assume that "the current location is within the proximity" is intended. Appropriate correction or clarification is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12, 31, and 50 recite the limitation "the determined events". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-10, 14, 17-20, 25-29, 33, 36-39, 44-48, 52, and 55-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Waytena (5,978,770).

With respect to claim 1, Waytena discloses a method for transmitting information to a wireless device comprising:

determining a current location of the wireless device (col. 14, lines 24-27);

determining whether the current location is within a proximity to a target location (col. 14, lines 29-33); and

if the current location is within the proximity to the target location, then transmitting information to the wireless device on offerings available at the target location (col. 14, lines 21-24).

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With respect to claim 6, Waytena discloses that the offerings available at the target location comprise at least one of goods and services (col. 14, line 22).

With respect to claim 7, Waytena discloses accessing information indicating personal preferences of a user of the wireless device and determining whether the offerings at the target location match at least one personal preference indicated by the user, wherein the information is transmitted if the offerings at the target location match one personal preference indicated by the user (col. 14, lines 21-23).

With respect to claim 8, Waytena discloses that the operations are performed in response to a push action (col. 6, lines 22-26; col. 13, lines 49-50).

With respect to claim 9, Waytena discloses that the operations are performed in response to a pull action at the wireless device (col. 14, lines 20-21).

With respect to claim 10, Waytena discloses a method for transmitting information to a wireless device comprising:

determining a current location of the wireless device (col. 14, lines 24-27);

providing a data structure including event information for each of a plurality of events that occur at event locations (col. 13, lines 49-50);

determining whether the current location is within a proximity to at least one of the event locations (col. 14, lines 29-33); and

if the current location is within the proximity to at least one event location, then transmitting event information to the wireless device for the at least one event location that is within the proximity to the wireless device (col. 14, lines 21-24).

With respect to claim 14, Waytena discloses for each wireless device, gathering data on event locations where the wireless device was located and a time the wireless device was located at the event location (col. 19, lines 9-12).

With respect to claim 17, Waytena discloses a method for processing information at a wireless device, comprising:

receiving transmission of event information for a plurality of events that occur at event locations (col. 13, lines 49-50);

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providing a list of user selected events (col. 13, lines 59-60);

determining whether the event information is for one event on the list of user selected events (col. 14, lines 21-23); and

presenting the received event information for each event that is determined to be on the list of user selected events (col. 14, lines 21-23).

With respect to claim 18, Waytena discloses:

determining a current location of the wireless device (col. 14, lines 24-27); and

determining whether the event location is within a proximity to the current location (col. 14, lines 29-32), wherein the received event information is not presented if the current location is not within the proximity to the event location (col. 14, lines 21-24).

With respect to claim 19, Waytena discloses that the event comprises an activity at an amusement park (col. 2, lines 46-49).

With respect to claim 20, Waytena discloses a system for transmitting information to a wireless device comprising:

means for determining a current location of the wireless device (col. 14, lines 24-27);

means for determining whether the current location is within a proximity to a target location (col. 14, lines 29-33); and

means for then transmitting information to the wireless device on offerings available at the target location if the current location is within the proximity to the target location (col. 14, lines 21-24).

With respect to claim 25, Waytena discloses that the offerings available at the target location comprise at least one of goods and services (col. 14, line 22).

With respect to claim 26, Waytena discloses means for accessing information indicating personal preferences of a user of the wireless device and means for determining whether the offerings at the target location match at least one personal preference indicated by the user, wherein the information is transmitted if the offerings at the target location match one personal preference indicated by the user (col. 14, lines 21-23).

With respect to claim 27, Waytena discloses that the operations are performed in response to a push action (col. 6, lines 22-26; col. 13, lines 49-50).

With respect to claim 28, Waytena discloses that the operations are performed in response to a pull action at the wireless device (col. 14, lines 20-21).

With respect to claim 29, Waytena discloses a system for transmitting information to a wireless device comprising:

- a computer readable medium (fig. 1A, item 111);

- means for determining a current location of the wireless device (col. 14, lines 24-27);

- means for providing a data structure in the computer readable medium including event information for each of a plurality of events that occur at event locations (col. 13, lines 49-50);

- means for determining whether the current location is within a proximity to at least one of the event locations (col. 14, lines 29-33); and

- means for transmitting event information to the wireless device for the at least one event location that is within the proximity to the wireless device if the current location is within the proximity to at least one event location (col. 14, lines 21-24).

With respect to claim 33, Waytena discloses means for gathering for each wireless device, data on event locations where the wireless device was located and a time the wireless device was located at the event location (col. 19, lines 9-12).

With respect to claim 36, Waytena discloses a system for processing information at a wireless device, comprising:

- means for receiving transmission of event information for a plurality of events that occur at event locations (col. 13, lines 49-50);

- means for providing a list of user selected events (col. 13, lines 59-60);

- means for determining whether the event information is for one event on the list of user selected events (col. 14, lines 21-23); and

- means for presenting the received event information for each event that is determined to be on the list of user selected events (col. 14, lines 21-23).

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With respect to claim 37, Waytena discloses:

means for determining a current location of the wireless device (col. 14, lines 24-27); and

means for determining whether the event location is within a proximity to the current location (col. 14, lines 29-32), wherein the received event information is not presented if the current location is not within the proximity to the event location (col. 14, lines 21-24).

With respect to claim 38, Waytena discloses that the event comprises an activity at an amusement park (col. 2, lines 46-49).

With respect to claim 39, Waytena discloses an article of manufacture including code for transmitting information to a wireless device by:

determining a current location of the wireless device (col. 14, lines 24-27);

determining whether the current location is within a proximity to a target location (col. 14, lines 29-33); and

if the current location is within the proximity to the target location, then transmitting information to the wireless device on offerings available at the target location (col. 14, lines 21-24).

With respect to claim 44, Waytena discloses that the offerings available at the target location comprise at least one of goods and services (col. 14, line 22).

With respect to claim 45, Waytena discloses accessing information indicating personal preferences of a user of the wireless device and determining whether the offerings at the target location match at least one personal preference indicated by the user, wherein the information is transmitted if the offerings at the target location match one personal preference indicated by the user (col. 14, lines 21-23).

With respect to claim 46, Waytena discloses that the operations are performed in response to a push action (col. 6, lines 22-26; col. 13, lines 49-50).

With respect to claim 47, Waytena discloses that the operations are performed in response to a pull action at the wireless device (col. 14, lines 20-21).

With respect to claim 48, Waytena discloses an article of manufacture including code for transmitting information to a wireless device by:

determining a current location of the wireless device (col. 14, lines 24-27);



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providing a data structure including event information for each of a plurality of events that occur at event locations (col. 13, lines 49-50);

determining whether the current location is within a proximity to at least one of the event locations (col. 14, lines 29-33); and

if the current location is within the proximity to at least one event location, then transmitting event information to the wireless device for the at least one event location that is within the proximity to the wireless device (col. 14, lines 21-24).

With respect to claim 52, Waytena discloses for each wireless device, gathering data on event locations where the wireless device was located and a time the wireless device was located at the event location (col. 19, lines 9-12).

With respect to claim 55, Waytena discloses article of manufacture including code for processing information at a wireless device, by:

receiving transmission of event information for a plurality of events that occur at event locations (col. 13, lines 49-50);

providing a list of user selected events (col. 13, lines 59-60);

determining whether the event information is for one event on the list of user selected events (col. 14, lines 21-23); and

presenting the received event information for each event that is determined to be on the list of user selected events (col. 14, lines 21-23).

With respect to claim 56, Waytena discloses:

determining a current location of the wireless device (col. 14, lines 24-27); and

determining whether the event location is within a proximity to the current location (col. 14, lines 29-32), wherein the received event information is not presented if the current location is not within the proximity to the event location (col. 14, lines 21-24).

With respect to claim 57, Waytena discloses that the event comprises an activity at an amusement park (col. 2, lines 46-49).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 15, 16, 21, 22, 34, 35, 40, 41, 53, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena in view of Cahill (5,428,784).

With respect to claims 2 and 3, Waytena discloses that information (a list of attractions) may not be sent (i.e. the list is empty) if a particular condition is not met, for example if there is no attraction within proximity to the user or if there is no attraction that complies with the user's preferences (col. 14, lines 21-24).

Waytena does not expressly disclose accessing scheduled event records for a user of the wireless device, wherein each scheduled event record indicates one event scheduled for a calendar time period; and processing the scheduled event records for the user to determine whether the user is available to visit the target location. Waytena also does not expressly disclose that the scheduled event records are part of calendar information for the user.

Cahill teaches that it is known that a user's electronic calendar can be accessed and processed to determine whether the user is available to perform a task at a particular time (col. 3, lines 17-27).

Waytena and Cahill are analogous art because they are both from the same field of endeavor of schedule processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow Waytena's method to check the user's calendar of previously scheduled attractions to determine whether the user is available to attend the attraction in question, as taught by Cahill, and to use this

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determination as the condition upon which the decision whether to transmit a list of potential attractions is made.

The motivation for doing so would have been to prevent burdening the user with a list of attractions that the user is unable to attend because of his or her previously determined schedule.

Therefore it would have been obvious to combine Cahill with Waytena for the benefit of eliminating unnecessary communication to obtain the invention as specified in claims 2 and 3.

With respect to claim 15, Waytena discloses a method for processing information at a wireless device comprising receiving information broadcasted within a defined region on event offerings at a target location for an event time period (col. 13, lines 49-50). Waytena also discloses that information (a list of attractions) may be sent if a particular condition is met (col. 14, lines 21-24).

Waytena does not expressly disclose accessing scheduled event records for a user of the wireless device, wherein each scheduled event record indicates one event scheduled for a calendar time period; and processing the scheduled event records for the user to determine whether the user is available during the event time period.

Cahill teaches that it is known that a user's electronic calendar can be accessed and processed to determine whether the user is available to perform a task at a particular time (col. 3, lines 17-27).

Waytena and Cahill are analogous art because they are both from the same field of endeavor of schedule processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow Waytena's method to check the user's calendar of previously scheduled attractions to determine whether the user is available during a time period, as taught by Cahill, and to use this determination as the condition upon which the decision whether to transmit a list of potential attractions is made.

The motivation for doing so would have been to prevent burdening the user with a list of attractions that the user is unable to attend because of his or her previously determined schedule.

Therefore it would have been obvious to combine Cahill with Waytena for the benefit of eliminating unnecessary communication to obtain the invention as specified in claim 15.

With respect to claim 16, Waytena further discloses:

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providing information on user preferences (col. 14, line 22); and  
determining whether the received information satisfies one user preference, wherein the information is not presented to the user if the received information does not satisfy one user preference (col. 14, lines 21-23).

With respect to claims 21 and 22, Waytena discloses that information (a list of attractions) may not be sent (i.e. the list is empty) if a particular condition is not met, for example if there is no attraction within proximity to the user or if there is no attraction that complies with the user's preferences (col. 14, lines 21-24).

Waytena does not expressly disclose means for accessing scheduled event records for a user of the wireless device, wherein each scheduled event record indicates one event scheduled for a calendar time period; and means for processing the scheduled event records for the user to determine whether the user is available to visit the target location. Waytena also does not expressly disclose that the scheduled event records are part of calendar information for the user.

Cahill teaches that it is known that a user's electronic calendar can be accessed and processed to determine whether the user is available to perform a task at a particular time (col. 3, lines 17-27).

Waytena and Cahill are analogous art because they are both from the same field of endeavor of schedule processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow Waytena's system to check the user's calendar of previously scheduled attractions to determine whether the user is available to attend the attraction in question, as taught by Cahill, and to use this determination as the condition upon which the decision whether to transmit a list of potential attractions is made.

The motivation for doing so would have been to prevent burdening the user with a list of attractions that the user is unable to attend because of his or her previously determined schedule.

Therefore it would have been obvious to combine Cahill with Waytena for the benefit of eliminating unnecessary communication to obtain the invention as specified in claims 21 and 22.

With respect to claim 34, Waytena discloses a system for processing information at a wireless device comprising means for receiving information broadcasted within a defined region on event offerings at a target location for an event time period (col. 13, lines 49-50). Waytena also discloses that information (a list of attractions) may be sent if a particular condition is met (col. 14, lines 21-24).

Waytena does not expressly disclose means for accessing scheduled event records for a user of the wireless device, wherein each scheduled event record indicates one event scheduled for a calendar time period; and means for processing the scheduled event records for the user to determine whether the user is available during the event time period.

Cahill teaches that it is known that a user's electronic calendar can be accessed and processed to determine whether the user is available to perform a task at a particular time (col. 3, lines 17-27).

Waytena and Cahill are analogous art because they are both from the same field of endeavor of schedule processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow Waytena's system to check the user's calendar of previously scheduled attractions to determine whether the user is available during a time period, as taught by Cahill, and to use this determination as the condition upon which the decision whether to transmit a list of potential attractions is made.

The motivation for doing so would have been to prevent burdening the user with a list of attractions that the user is unable to attend because of his or her previously determined schedule.

Therefore it would have been obvious to combine Cahill with Waytena for the benefit of eliminating unnecessary communication to obtain the invention as specified in claim 34.

With respect to claim 35, Waytena further discloses:

means for providing information on user preferences (col. 14, line 22); and

means for determining whether the received information satisfies one user preference, wherein the information is not presented to the user if the received information does not satisfy one user preference (col. 14, lines 21-23).

With respect to claims 40 and 41, Waytena discloses that information (a list of attractions) may not be sent (i.e. the list is empty) if a particular condition is not met, for example if there is no attraction

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within proximity to the user or if there is no attraction that complies with the user's preferences (col. 14, lines 21-24).

Waytena does not expressly disclose accessing scheduled event records for a user of the wireless device, wherein each scheduled event record indicates one event scheduled for a calendar time period; and processing the scheduled event records for the user to determine whether the user is available to visit the target location. Waytena also does not expressly disclose that the scheduled event records are part of calendar information for the user.

Cahill teaches that it is known that a user's electronic calendar can be accessed and processed to determine whether the user is available to perform a task at a particular time (col. 3, lines 17-27).

Waytena and Cahill are analogous art because they are both from the same field of endeavor of schedule processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow Waytena's article of manufacture to check the user's calendar of previously scheduled attractions to determine whether the user is available to attend the attraction in question, as taught by Cahill, and to use this determination as the condition upon which the decision whether to transmit a list of potential attractions is made.

The motivation for doing so would have been to prevent burdening the user with a list of attractions that the user is unable to attend because of his or her previously determined schedule.

Therefore it would have been obvious to combine Cahill with Waytena for the benefit of eliminating unnecessary communication to obtain the invention as specified in claims 40 and 41.

With respect to claim 53, Waytena discloses an article of manufacture including code for processing information at a wireless device by receiving information broadcasted within a defined region on event offerings at a target location for an event time period (col. 13, lines 49-50). Waytena also discloses that information (a list of attractions) may be sent if a particular condition is met (col. 14, lines 21-24).

Waytena does not expressly disclose accessing scheduled event records for a user of the wireless device, wherein each scheduled event record indicates one event scheduled for a calendar time

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period; and processing the scheduled event records for the user to determine whether the user is available during the event time period.

Cahill teaches that it is known that a user's electronic calendar can be accessed and processed to determine whether the user is available to perform a task at a particular time (col. 3, lines 17-27).

Waytena and Cahill are analogous art because they are both from the same field of endeavor of schedule processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow Waytena's article of manufacture to check the user's calendar of previously scheduled attractions to determine whether the user is available during a time period, as taught by Cahill, and to use this determination as the condition upon which the decision whether to transmit a list of potential attractions is made.

The motivation for doing so would have been to prevent burdening the user with a list of attractions that the user is unable to attend because of his or her previously determined schedule.

Therefore it would have been obvious to combine Cahill with Waytena for the benefit of eliminating unnecessary communication to obtain the invention as specified in claim 53.

With respect to claim 54, Waytena further discloses:  
providing information on user preferences (col. 14, line 22); and  
determining whether the received information satisfies one user preference, wherein the information is not presented to the user if the received information does not satisfy one user preference (col. 14, lines 21-23).

Claims 4, 5, 23, 24, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena in view of Cahill as applied to claims 2, 21, and 40 above, and further in view of Redmann (2002/0174003).

With respect to claim 4, Waytena discloses that information (a list of attractions) may not be sent (i.e. the list is empty) if a particular condition is not met, for example if there is no attraction within

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proximity to the user or if there is no attraction that complies with the user's preferences (col. 14, lines 21-24).

Waytena does not disclose providing a data structure indicating a plurality of time periods during which offerings are available at the target location; and determining whether the user is available to visit the target location within one of the time periods indicated in the data structure.

Cahill teaches that it is known that a user's electronic calendar can be accessed and processed to determine whether the user is available to perform a task at a particular time (col. 3, lines 17-27).

Redmann teaches that it is known that a list of show times for an attraction can be provided to a scheduling device (par 173, lines 1-2).

Waytena, Cahill, and Redmann are analogous art because they are all from the same field of endeavor of schedule processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow Waytena's method to utilize Cahill's teachings to check the user's calendar of previously scheduled attractions to determine whether the user is available to attend the attraction in question during a time specified on Redmann's list of show times, and to use this determination as the condition upon which the decision whether to transmit a list of potential attractions is made.

The motivation for doing so would have been to prevent burdening the user with a list of attractions, possibly a show attraction, that the user is unable to attend because of his or her previously determined schedule.

Therefore it would have been obvious to combine Redmann with Waytena and Cahill for the benefit of preventing unnecessary communication to obtain the invention as specified in claim 4.

With respect to claim 5, in making the combination of Waytena, Cahill, and Redmann in the rejection of claim 4, discussion of the rationale for enabling Waytena's method to determine the availability of a user to attend a particular show time from a list of show times has already been presented. It logically follows that when a user is determined to be available to attend a show at a particular time, the method would include transmitting a list of attractions including the information in the data structure (show time and name of show) to the user.



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With respect to claim 23, Waytena discloses that information (a list of attractions) may not be sent (i.e. the list is empty) if a particular condition is not met, for example if there is no attraction within proximity to the user or if there is no attraction that complies with the user's preferences (col. 14, lines 21-24).

Waytena does not disclose a computer readable medium, means for providing a data structure in the computer readable medium indicating a plurality of time periods during which offerings are available at the target location; and means for determining whether the user is available to visit the target location within one of the time periods indicated in the data structure.

Cahill teaches that it is known that a user's electronic calendar can be accessed and processed to determine whether the user is available to perform a task at a particular time (col. 3, lines 17-27).

Redmann teaches a computer readable medium (par. 111, line 1) and that it is known that a list of show times for an attraction can be provided to a scheduling device (par 173, lines 1-2).

Waytena, Cahill, and Redmann are analogous art because they are all from the same field of endeavor of schedule processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow Waytena's system to utilize Cahill's teachings to check the user's calendar of previously scheduled attractions to determine whether the user is available to attend the attraction in question during a time specified on Redmann's list of show times on the computer readable medium, and to use this determination as the condition upon which the decision whether to transmit a list of potential attractions is made.

The motivation for doing so would have been to prevent burdening the user with a list of attractions, possibly a show attraction, that the user is unable to attend because of his or her previously determined schedule.

Therefore it would have been obvious to combine Redmann with Waytena and Cahill for the benefit of preventing unnecessary communication to obtain the invention as specified in claim 23.

With respect to claim 24, in making the combination of Waytena, Cahill, and Redmann in the rejection of claim 23, discussion of the rationale for enabling Waytena's system to determine the

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availability of a user to attend a particular show time from a list of show times has already been presented. It logically follows that when a user is determined to be available to attend a show at a particular time, the method would include transmitting a list of attractions including the information in the data structure (show time and name of show) to the user.

With respect to claim 42, Waytena discloses that information (a list of attractions) may not be sent (i.e. the list is empty) if a particular condition is not met, for example if there is no attraction within proximity to the user or if there is no attraction that complies with the user's preferences (col. 14, lines 21-24).

Waytena does not disclose providing a data structure indicating a plurality of time periods during which offerings are available at the target location; and determining whether the user is available to visit the target location within one of the time periods indicated in the data structure.

Cahill teaches that it is known that a user's electronic calendar can be accessed and processed to determine whether the user is available to perform a task at a particular time (col. 3, lines 17-27).

Redmann teaches that it is known that a list of show times for an attraction can be provided to a scheduling device (par 173, lines 1-2).

Waytena, Cahill, and Redmann are analogous art because they are all from the same field of endeavor of schedule processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow Waytena's system to utilize Cahill's teachings to check the user's calendar of previously scheduled attractions to determine whether the user is available to attend the attraction in question during a time specified on Redmann's list of show times, and to use this determination as the condition upon which the decision whether to transmit a list of potential attractions is made.

The motivation for doing so would have been to prevent burdening the user with a list of attractions, possibly a show attraction, that the user is unable to attend because of his or her previously determined schedule.

Therefore it would have been obvious to combine Redmann with Waytena and Cahill for the benefit of preventing unnecessary communication to obtain the invention as specified in claim 42.

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With respect to claim 43, in making the combination of Waytena, Cahill, and Redmann in the rejection of claim 42, discussion of the rationale for enabling Waytena's method to determine the availability of a user to attend a particular show time from a list of show times has already been presented. It logically follows that when a user is determined to be available to attend a show at a particular time, the method would include transmitting a list of attractions including the information in the data structure (show time and name of show) to the user.

Claims 11-13, 30-32, and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena in view of Redmann.

With respect to claim 11, Waytena discloses having the capability to determine whether a user is in proximity to an event location (col. 14, lines 29-33) and whether an event is indicated in the event preference information (col. 14, lines 21-23). Waytena also discloses transmitting information for at least one event indicated in the preference information (col. 14, lines 21-23).

Waytena does not expressly disclose determining whether an event is both within proximity to the user and indicated in the event preference information.

Redmann teaches that it is known that a scheduling method can determine both the distance to an event and whether that event is indicated in the user's preference profile (par. 239, lines 1-13).

Waytena and Redmann are analogous art because they are both from the same field of endeavor of schedule processing.

At the time of invention, it would have been obvious to allow Waytena's method to utilize its ability to determine user proximity to an event and whether the event is preferred by the user together to determine both of these attributes for a particular event. It would also have been obvious to allow Waytena's method to present a list of these attractions to the user.

The motivation for doing so would have been to present activities to the user that are very desirable to them based on these factors (par. 239, lines 1-2).

Therefore it would have been obvious to combine Redmann with Waytena for the benefit of providing desirable activities to obtain the invention as specified in claim 11.

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With respect to claim 12, Waytena does not expressly disclose:

determining, for all the determined events at event locations within the proximity to the current location, an optimal order in which the events should be visited based on the event locations and the current location; and

generating information indicating the optimal order in which the events at the event locations should be visited, wherein the generated information is transmitted to the wireless device.

Redmann teaches that it is known to generate an itinerary of attractions for a user based on the amount of time to travel to the attraction from the previous location of the user (par. 177, lines 1-5).

Redmann also teaches that this itinerary can be presented to a user on a wireless device (fig. 4).

Waytena and Redmann are analogous art because they are both from the same field of endeavor of schedule processing.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to add an option to Waytena's method to have an itinerary of reservations made for the user based on travel time.

The motivation for doing so would have been to provide the user with a way to obtain a schedule that maximizes their experience with the minimum of inconvenience (par. 5, lines 1-2).

Therefore it would have been obvious to combine Redmann with Waytena for the benefit of minimizing inconvenience to obtain the invention as specified in claim 12.

With respect to claim 13, Waytena discloses a method for determining the proximity of events to a user's current location (col. 14, lines 29-33). Waytena also discloses that information (a list of attractions) may not be sent (i.e. the list is empty) if a particular condition is not met, for example if there is no attraction within proximity to the user or if there is no attraction that complies with the user's preferences (col. 14, lines 21-24).

Waytena does not expressly disclose:

determining a wait time at each event whose event location is within the proximity to the current location; and

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determining whether the wait time for each event exceeds a wait threshold, wherein the event information is not sent for each event having the wait time that exceeds the wait threshold.

Redmann teaches that it is known that a wait time for an attraction can be determined and used by a scheduling device (par. 174, lines 3-4). Redmann also teaches that it can be determined whether a particular wait time exceeds a user's threshold of an acceptable amount of time to wait (par. 200, lines 1-9).

Waytena and Redmann are analogous art because they are both from the same field of endeavor of schedule processing.

At the time of invention, it would have been obvious to enable Waytena's method to be able to determine the wait time for attractions that are determined to be in proximity to a user's location and to transmit a list of potential attractions containing only those attractions with an acceptable wait time.

The motivation for doing so would have been to provide the user with a way to obtain a schedule that maximizes their experience with the minimum of inconvenience (par. 5, lines 1-2).

Therefore it would have been obvious to combine Redmann with Waytena for the benefit of minimizing inconvenience to obtain the invention as specified in claim 13.

With respect to claim 30, Waytena discloses means to determine whether a user is in proximity to an event location (col. 14, lines 29-33) and whether an event is indicated in the event preference information (col. 14, lines 21-23). Waytena also discloses transmitting information for at least one event indicated in the preference information (col. 14, lines 21-23).

Waytena does not expressly disclose means for determining whether an event is both within proximity to the user and indicated in the event preference information.

Redmann teaches that it is known that a scheduling system can determine both the distance to an event and whether that event is indicated in the user's preference profile (par. 239, lines 1-13).

Waytena and Redmann are analogous art because they are both from the same field of endeavor of schedule processing.

At the time of invention, it would have been obvious to allow Waytena's system to utilize its ability to determine user proximity to an event and whether the event is preferred by the user together to

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determine both of these attributes for a particular event. It would also have been obvious to allow Waytena's system to present a list of these attractions to the user.

The motivation for doing so would have been to present activities to the user that are very desirable to them based on these factors (par. 239, lines 1-2).

Therefore it would have been obvious to combine Redmann with Waytena for the benefit of providing desirable activities to obtain the invention as specified in claim 30.

With respect to claim 31, Waytena does not expressly disclose:

means for determining, for all the determined events at event locations within the proximity to the current location, an optimal order in which the events should be visited based on the event locations and the current location; and

means for generating information indicating the optimal order in which the events at the event locations should be visited, wherein the generated information is transmitted to the wireless device.

Redmann teaches that it is known to generate an itinerary of attractions for a user based on the amount of time to travel to the attraction from the previous location of the user (par. 177, lines 1-5).

Redmann also teaches that this itinerary can be presented to a user on a wireless device (fig. 4).

Waytena and Redmann are analogous art because they are both from the same field of endeavor of schedule processing.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to add an option to Waytena's system to have an itinerary of reservations made for the user based on travel time.

The motivation for doing so would have been to provide the user with a way to obtain a schedule that maximizes their experience with the minimum of inconvenience (par. 5, lines 1-2).

Therefore it would have been obvious to combine Redmann with Waytena for the benefit of minimizing inconvenience to obtain the invention as specified in claim 31.

With respect to claim 32, Waytena discloses a system for determining the proximity of events to a user's current location (col. 14, lines 29-33). Waytena also discloses that information (a list of attractions) may not be sent (i.e. the list is empty) if a particular condition is not met, for example if there is no

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attraction within proximity to the user or if there is no attraction that complies with the user's preferences (col. 14, lines 21-24).

Waytena does not expressly disclose:

means for determining a wait time at each event whose event location is within the proximity to the current location; and

means for determining whether the wait time for each event exceeds a wait threshold, wherein the event information is not sent for each event having the wait time that exceeds the wait threshold.

Redmann teaches that it is known that a wait time for an attraction can be determined and used by a scheduling device (par. 174, lines 3-4). Redmann also teaches that it can be determined whether a particular wait time exceeds a user's threshold of an acceptable amount of time to wait (par. 200, lines 1-9).

Waytena and Redmann are analogous art because they are both from the same field of endeavor of schedule processing.

At the time of invention, it would have been obvious to enable Waytena's system to be able to determine the wait time for attractions that are determined to be in proximity to a user's location and to transmit a list of potential attractions containing only those attractions with an acceptable wait time.

The motivation for doing so would have been to provide the user with a way to obtain a schedule that maximizes their experience with the minimum of inconvenience (par. 5, lines 1-2).

Therefore it would have been obvious to combine Redmann with Waytena for the benefit of minimizing inconvenience to obtain the invention as specified in claim 32.

With respect to claim 49, Waytena discloses having the capability to determine whether a user is in proximity to an event location (col. 14, lines 29-33) and whether an event is indicated in the event preference information (col. 14, lines 21-23). Waytena also discloses transmitting information for at least one event indicated in the preference information (col. 14, lines 21-23).

Waytena does not expressly disclose determining whether an event is both within proximity to the user and indicated in the event preference information.

Redmann teaches that it is known that a scheduling apparatus can determine both the distance to an event and whether that event is indicated in the user's preference profile (par. 239, lines 1-13).

Waytena and Redmann are analogous art because they are both from the same field of endeavor of schedule processing.

At the time of invention, it would have been obvious to allow Waytena's apparatus to utilize its ability to determine user proximity to an event and whether the event is preferred by the user together to determine both of these attributes for a particular event. It would also have been obvious to allow Waytena's apparatus to present a list of these attractions to the user.

The motivation for doing so would have been to present activities to the user that are very desirable to them based on these factors (par. 239, lines 1-2).

Therefore it would have been obvious to combine Redmann with Waytena for the benefit of providing desirable activities to obtain the invention as specified in claim 49.

With respect to claim 50, Waytena does not expressly disclose:

determining, for all the determined events at event locations within the proximity to the current location, an optimal order in which the events should be visited based on the event locations and the current location; and

generating information indicating the optimal order in which the events at the event locations should be visited, wherein the generated information is transmitted to the wireless device.

Redmann teaches that it is known to generate an itinerary of attractions for a user based on the amount of time to travel to the attraction from the previous location of the user (par. 177, lines 1-5). Redmann also teaches that this itinerary can be presented to a user on a wireless device (fig. 4).

Waytena and Redmann are analogous art because they are both from the same field of endeavor of schedule processing.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to add an option to Waytena's apparatus to have an itinerary of reservations made for the user based on travel time.



The motivation for doing so would have been to provide the user with a way to obtain a schedule that maximizes their experience with the minimum of inconvenience (par. 5, lines 1-2).

Therefore it would have been obvious to combine Redmann with Waytena for the benefit of minimizing inconvenience to obtain the invention as specified in claim 50.

With respect to claim 51, Waytena discloses an apparatus for determining the proximity of events to a user's current location (col. 14, lines 29-33). Waytena also discloses that information (a list of attractions) may not be sent (i.e. the list is empty) if a particular condition is not met, for example if there is no attraction within proximity to the user or if there is no attraction that complies with the user's preferences (col. 14, lines 21-24).

Waytena does not expressly disclose:

determining a wait time at each event whose event location is within the proximity to the current location; and

determining whether the wait time for each event exceeds a wait threshold, wherein the event information is not sent for each event having the wait time that exceeds the wait threshold.

Redmann teaches that it is known that a wait time for an attraction can be determined and used by a scheduling device (par. 174, lines 3-4). Redmann also teaches that it can be determined whether a particular wait time exceeds a user's threshold of an acceptable amount of time to wait (par. 200, lines 1-9).

Waytena and Redmann are analogous art because they are both from the same field of endeavor of schedule processing.

At the time of invention, it would have been obvious to enable Waytena's apparatus to be able to determine the wait time for attractions that are determined to be in proximity to a user's location and to transmit a list of potential attractions containing only those attractions with an acceptable wait time.

The motivation for doing so would have been to provide the user with a way to obtain a schedule that maximizes their experience with the minimum of inconvenience (par. 5, lines 1-2).

Therefore it would have been obvious to combine Redmann with Waytena for the benefit of minimizing inconvenience to obtain the invention as specified in claim 51.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea Hollar whose telephone number is 571-272-5862. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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ABH

  
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